

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKE, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTIL L. DAVIDSON

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD	1923-1968
TRUMAN A. HERRON	1935-1976
EDWARD B. EVANS	1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
JOHN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.

TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

RECEIVED
CENTRAL FAX CENTER
FEB 06 2006

February 6, 2006

FACSIMILE COVER SHEET

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Fax: 571-273-8300

From: David E. Jefferies

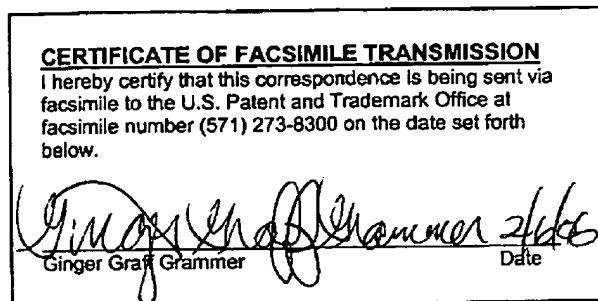
Re: **Response to Office Action and
Amendment**
Serial No. 09/765,151
Gilbert R. Gonzales et al.
Filing Date: January 17, 2001
**COMBINATION AND METHOD
INCLUDING A VISUAL MARKER
FOR DETERMINING COMPLIANCE
WITH A MEDICATION REGIMEN**
Art Unit: 3733
Examiner: Anu Ramana
Conf. No.: 6299
Our Ref: PEDI-27 (formerly UNSP-04)

Pages: 11 (including cover sheet)

MESSAGE/COMMENTS

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. **OUR FAX NUMBER IS (513) 241-6234.**

PATENT



RECEIVED
CENTRAL FAX CENTER
FEB 06 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER FOR
DETERMINING COMPLIANCE WITH A MEDICATION REGIMEN
Art Unit: 3733
Examiner: Anu Ramana
Conf. No.: 6299
Atty. Docket: PEDI-27 (formerly UNSP-04)

Cincinnati, Ohio

February 6, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION AND AMENDMENT

Sir:

In response to the Office Action dated December 6, 2005 in the above-identified application, Applicants respond as follows.

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.